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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,377

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

PATEL, ASHOK

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,377	Applicant(s) WELTERS ET AL.	
	Examiner Ashok Patel	Art Unit 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In the present instance, claim 2 recites the broad recitation 425 degrees celcius, and the claim also recites 400 celcius degrees, 375 degrees celcius, and 350 degrees celcius which are the narrower statements of the range/limitation.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

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out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, last line the term "the protective coating:" lacks antecedent basis.

Claims 2 and 4: the term "the negative ion" lacks antecedent basis.

Claim 7, the term "a protective coating" renders the claim vague since it remains unclear as to whether the coating of claim 7 is different from a protective coating recited in base claim 1.

Claims 3, 5, 6, 8-10 are necessarily rejected since they depend upon rejected base claim 1.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7, 9, 10 are rejected under 35 U.S.C. 102(a or b) as being anticipated by Tomoyuki (EP 0492189, which corresponds to USPN 5310374).

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As to claims 1, 9 and 10, Tomoyuki discloses applicant's claimed tungsten halogen lamp or a discharge lamp (Figures 1-7) including: transparent vessel (1) containing a gas filling, a luminous element (5) or an electrode (25, 26) extending inside the vessel and connected to a lead wire (4) extending through a pinched portion (3) of the vessel, which lead wire is provided with a protective coating (L) obtained by applying a liquid to the outside of the pinched portion (Figure 4) where the lead wire projects from the pinched portion,

characterized in that the liquid is a solution of a compound comprising a positive ion of an alkali material (Page 2, line 14-15) chosen for its propensity to react with oxidized lead wire material so as to form the protective coating.

As to claim 4, a negative ion is chosen from nitrate (page 4, lines 14-15).

As to claim 7, as shown in Figures 2-5, Tomoyuki discloses the lamp in which the lead wire is mounted on a Mo strip extending inside the pinched portion, and wherein the liquid reaches the mounting area through capillary action along the lead wire, thereby providing a protective coating on the mounting area.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as obvious over Tomoyuki, as applied to claim 1.

As to claim 2, Tomoyuki does not disclose the negative ion of the compound chosen to disintegrate at a temperature of 425 degrees or 400 degrees or 375 degrees or 350 degrees, as claimed by applicant. However depending upon specific selection of the coating compound, applicant's claimed integration at specific temperatures would have been obvious to one of ordinary skill in the art. Since the temperature integration depends upon chemical composition of the compound. It is to be noted that applicant's claim does not recite the specific compound composition.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as obvious over Tomoyuki in view of Hardies (USPN 4015165).

As to claim 3, Tomoyuki does not disclose the positive ion forming material selected from the group consisting of Ag, Au, Co, Ni, Pd, Rh and Ru, as claimed by applicant. Although the use of such metal is known in the art of a lamp for providing oxidation resistance effect to the lead wires, Hardies is cited for showing a lamp in which the leads wires (7) are provided with a coating made from a positive ion forming metal such as Ni, Pd, Au, Ru (see col. 1, lines 23-26; lines 55-56).

Therefore, it would have been obvious to one of ordinary skill in the art to provide Tomoyuki's lamp including the positive ion forming material selected from a group consisting of Au, Ni, Pd and Ru, as suggested by Hardies for providing oxidation resistance effect to the lead wires.

8. Claims 1, 5-7, 9 and 10 are rejected under 35 U.S.C. 102(a or b) as being anticipated by Tomoyuki (EP 0492189, which corresponds to USPN 5310374).

As to claims 1, 9 and 10, Essock et al disclose applicant's claimed halogen lamp or discharge lamp (Figures 1-5) including: transparent vessel (10) containing a gas filling, a luminous

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element (24, 38) or an electrode (52, 58) extending inside the vessel and connected to a lead wire (12; 48, 48') extending through a pinched portion of the vessel, which lead wire is provided with a protective coating obtained by applying a liquid (col. 4, lines 49-52) to the outside of the pinched portion where the lead wire projects from the pinched portion,

characterized in that the liquid is a solution of a compound comprising a positive ion of an alkali metal silicate (col. 4, lines 49-52) chosen for its propensity to react with oxidized lead wire material so as to form the protective coating.

As to claim 5, Essock et al disclose the lead wire made of molybdenum or tungsten (col. 1, lines 57-58).

As to claim 6, Essock et al disclose the pinched portion made of quartez and lead wire made of molybdenum (col. 1, line 22; lines 57-58).

As to claim 7, as shown in Figures 1-2, Essock et al disclose the lamp in which the lead wire is mounted on a Mo strip extending inside the pinched portion, and wherein the liquid reaches the mounting area through capillary action along the lead wire, thereby providing a protective coating on the mounting area.

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9. Claim 2 is rejected under 35 U.S.C. 103(a) as obvious over Essock et al, as applied to claim 1.

As to claim 2, Essock et al do not disclose the negative ion of the compound chosen to disintegrate at a temperature of 425 degrees or 400 degrees or 375 degrees or 350 degrees, as claimed by applicant. However depending upon specific selection of the coating compound, applicant's claimed integration at specific temperatures would have been obvious to one of ordinary skill in the art. Since the temperature integration depends upon chemical composition of the compound. It is to be noted that applicant's claim does not recite the specific compound composition.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as obvious over Essock et al in view of Hardies (USPN 4015165).

As to claim 3, Essock et al do not disclose the positive ion forming material selected from the group consisting of Ag, Au, Co, Ni, Pd, Rh and Ru, as claimed by applicant. Although the use of such metal is known in the art of a lamp for providing oxidation resistance effect to the lead wires, Hardies is cited for showing a lamp in which the leads wires (7) are provided with a coating made from a positive ion forming metal such as Ni, Pd, Au, Ru (see col. 1, lines 23-26; lines 55-56).

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Therefore, it would have been obvious to one of ordinary skill in the art to provide Essock et al's lamp including the positive ion forming material selected from a group consisting of Au, Ni, Pd and Ru, as suggested by Hardies for providing oxidation resistance effect to the lead wires.

11. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art of the record does not disclose applicant's claimed lamp as recited in claim 8, wherein the compound is silver nitrate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on 571-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

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see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ashok Patel/
Ashok Patel
Primary Examiner
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